

APR 13 2005

Attorney Docket No. 13647.0015  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Marsan et al.

Group Art Unit: 3629

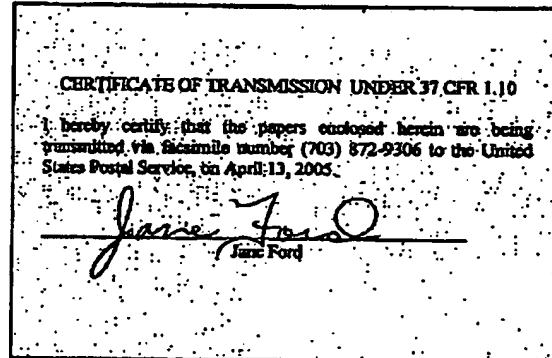
Serial No.: 09/413,728

Examiner: Igor N. Borissov

Filed: 10/06/1999

For: System and Method for Processing  
Retrieval RequestsMail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**UNDER 37 C.F.R. 1.137(b)**

In response to the Notice of Abandonment Mailed January 7, 2005 (Paper No. 20041230), Applicants submitted a Petition to Withdraw Holding of Abandonment under 37 C.F.R. 1.181, and included a copy, in triplicate, of the Appeal Brief in this matter and evidence showing that the U.S. Patent and Trademark Office received the check for the petition fee. Applicants noted that PAIR does not show receipt of the Notice of Appeal that was filed on August 4, 2003, but that the Notice of Appeal is present in the Image File Wrapper. As such, the PTO's own internal records are inconsistent, suggesting that the process of entering this file into the Image File Wrapper system, intentional or unintentional personnel error, or some other problem internal to the PTO is responsible for the failure to place the Appeal Brief in the file for this matter.

Furthermore, enclosed with that petition was a copy of the check that was submitted with the appeal brief, which clearly shows that it was received and cashed by the U.S. Patent and Trademark Office. The Attorney for the Applicants has also received confirmation from the Examiner that this fee was recorded in the PTO records as having been received. While the copies

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